



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, MAY 25, 2005 -- 7:00 P.M.

Please refer to compact disk #05-25-05 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Phil Micciche, Chair; Michael Burke, Vice Chair; D. Michael Kane, Thomas O'Donnell, Lee Quintana, Joanne Talesfore and Morris Trevithick

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Town Engineer Kevin Rohani, Associate Civil Engineer Fletcher Parsons, Associate Planner Sandy Baily and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Commented on the DRC process and the committee's decision-making abilities, the development of hillside homes in the H-R zone and the death of high school students on Shannon Road.

APPROVAL OF MINUTES

May 11, 2005 - Motion by Commissioner Trevithick and seconded by Commissioner Talesfore to approve meeting minutes. Approved 6-0 with Commissioner Quintana abstaining since she was not in attendance at this meeting.

CONSENT CALENDAR - None

CONTINUED PUBLIC HEARING - None

NEW PUBLIC HEARINGS

ITEM 1 14595 Clearview Drive

One year review to evaluate the success of the LaRinconada Country Club mitigation measures to reduce errant golf balls from the driving range and to determine if additional measures need to be implemented.

PROPERTY OWNER: Nancy Bowen, Russell V. Roessler, Trustee, La Rinconada Property

PUBLIC TESTIMONY by Rick Forney, Jim Judson, Ray Davis, Mark Medalie and Linda Reynolds.

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Burke to accept the report on the evaluation of mitigation measures at 14595 Clearview Drive. No findings were needed and the report incorporated conditions as noted in Exhibit A of the report dated May 16, 2005 with the added/changed condition(s) as follows:

14. **POLICING DRIVING RANGE.** The driving range shall be policed by its members or staff at all times when in use to ensure the range is being used correctly. **An employee shall be physically present at the range to observe and monitor all of the activities during the peak periods of errant golf balls on the days and hours stated in their letter, dated January 4, 2005, Exhibit B, of the report to the Planning Commission. These days and hours may be modified if requested in writing by the LaRinconada Country Club and approved by Community Development Department.**
18. **HITTING STALLS.** ~~Irons only shall be required on the hitting stalls.~~ The four stalls closest to Wedgewood Avenue shall prohibit the use of irons above 7. The stalls closest to Wedgewood Avenue shall be available for right handed golfers only.

Motion carried 7-0.

No appeal rights recited by Mr. Korb as this is not an appealable decision.

ITEM 2 **42 and 44 Elm Street**
Conditional Use Permit U-05-013

Requesting approval to expand an existing restaurant (Café Rouge), add additional seats and for an alternating use of parking on property zoned C-2. APN: 529-03-035

PROPERTY OWNER: Michael T. Cobler

APPLICANT: Nicholas A. Difu

PUBLIC TESTIMONY by Nick Difu, Kurt Lemons, Suzanne O'Gorman and Farhad Proshani

MOTION: Motion by Commissioner Talesfore and seconded by Commissioner Quintana to deny Conditional Use Permit U-05-013. for the following reasons: 1) project is not consistent with the General Plan, and, 2) parking and parking district credits are issues.

This is a recommendation for denial and will be forwarded to Town Council for final consideration.

Motion carried 6-0 with Commissioner Burke recused due to a conflict. (After the break, Mr. Korb determined that Commissioner Burke does not own property within 500 feet of the subject property.)

No appeal rights since final approval is by Town Council.

Commissioner Trevithick recused from the next item.

ITEM 3 **50 University Avenue Suite 180**
Conditional Use Permit U-03-7

Requesting approval to modify a Conditional Use Permit to legalize the increase in the number of seats, to modify the type of allowed entertainment and to increase the days when entertainment is available on property zoned C-2:PD:LHP. APN 529-02-044
PROPERTY OWNER: Federal Realty
APPLICANT: Steve Hauck (Wine Cellar)

PUBLIC TESTIMONY by Steve and Lisa Hauck.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Quintana to deny Conditional Use Permit U-03-7.

Commissioner Quintana withdrew her request for denial and the motion died for lack of a second. Chair Micciche asked for a motion for approval. Motion by Commissioner Burke and seconded by Commissioner O'Donnell to approve Conditional Use Permit U-03-7. The required findings were made as noted in Exhibit D of report dated May 18, 2005 and the application incorporated conditions as noted in Exhibit E of report dated May 18, 2005 with corrected or added conditions as follows:

7. ENTERTAINMENT. There shall be no outdoor entertainment. **Amplified acoustic musical entertainment is permitted inside only and shall be limited to Thursday, Friday, and Saturday only.**
8. NOISE. All amplified entertainment shall be connected to the house sound system. **The music coming from the sound system shall be no louder than the sound that is heard standing in front of the stage.** Pursuant to the Noise Ordinance, the exterior noise level shall be no louder than as follows, measured from the property line:
 - 1 PM to 10 PM - 56 decibels
 - 10 PM to 6 AM - 51 decibels
 - 6 AM to 1 PM - 52 decibels

This is a recommendation only and will be forwarded to Town Council for final consideration.

Motion carried 4-2 with Commissioners Kane and Quintana dissenting and Commissioner Trevithick recused.

This is not an appealable decision since the Town Council has final approval.

CONTINUED OTHER BUSINESS

ITEM 4 **Consider Five-Year Capital Improvements Program for Fiscal Years July 1, 2005 to June 30, 2010** - (Continued from May 11, 2005)

PUBLIC TESTIMONY by Ray Davis.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Talesfore to recommend C.I.P. for Fiscal Years July 1, 2005 to June 30, 2010 be forwarded to Town Council with comments: 1) sports fields for local youth, 2) proposed sidewalks on Blossom Hill Rd, 3) trees in public planter areas that push up sidewalks and gutters, 4) the Roberts Road bridge.

Motion carried 7-0.

This is not an appealable decision since the Town Council has final approval.

NEW OTHER BUSINESS

ITEM 5 **Election of Chair and Vice Chair for July - December 2005**

Motion by Chair Micciche and seconded by Commissioner O'Donnell to nominate Vice Chair Burke to chair effective July 1, 2005. Passed unanimously.

Motion by Commissioner O'Donnell and seconded by Commissioner Burke to nominate Chair Micciche to vice chair. Motion carried 6-1 with Commissioner Quintana dissenting.

Sub-Committee Reports - None

Commissioner Trevithick commented on a League of California Cities/Commissioner training workshop he attended in Mt. View on May 19, 2005.

Report from Director of Community Development - Mr. Tsuda confirmed with the Commission that the July 27, 2005 Planning Commission meeting is cancelled.

ADJOURNMENT

Chair Micciche adjourned the meeting at approximately 10:30 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
May 25, 2005

Phil Micciche, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development